

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Ryan et al.  
Serial No.: 09/913,425  
International Filing Date: February 17, 2000  
International App. No. PCT/GB00/00573

For: **AN AUTOMATED SYSTEM FOR EXCISING PROTEINS  
FROM TWO-DIMENSIONAL ELECTROPHORESIS GELS**

Commissioner for Patents  
Box PCT  
Washington, D.C. 20231

**DECLARATION UNDER 37 C.F.R. § 1.47**

Dear Sir:

1. I, Mr. David Byatt, currently hold the position of Managing Director at Genomic Solutions Limited and am a co-inventor on the above-identified application. I am over the age of 18. I have personal knowledge with respect to the matters set forth below.
2. On October 22, 2001, a letter was sent to Dr. Kevin Auton at his last known work address of NextGen Sciences, Ltd, Alconbury North Airfield, Bldg. 56, Alconbury, Huntingdon, Cambridgeshire, UK, PE28 4DA, requesting that he execute the Power of Attorney for the above-identified application, as shown in paragraph 3 of the letter. A copy of the October 22, 2001 letter, as well as a copy of the Combined Declaration and Power of Attorney form sent to Dr. Auton is attached as Exhibit 1.
3. On October 29, 2001, the undersigned personally contacted Dr. Auton at his work address by telephone. Dr. Auton informed the undersigned that he had received the October 22, 2001 letter. The undersigned explained the necessity of receiving Dr. Auton's assistance with respect to execution of the Power of Attorney. Dr. Auton indicated that he would not sign the Power of Attorney.
4. On November 6, 2001, the undersigned again personally attempted to contact Dr. Auton at his work address by telephone. Dr. Auton was "unavailable to talk to" the undersigned. The undersigned again explained to Dr. Auton's Personal Assistant, Hazel

*Tal E. Lee  
Notary Public*

Jeffrey, the necessity of receiving Dr. Auton's assistance with respect to execution of the Power of Attorney.

5. On November 20, 2001, the undersigned had a meeting with Paul Ryan, another inventor on this application. At that meeting, Mr. Ryan stated he had recently met with Dr. Auton and Dr. Auton had indicated that he would not sign the Power of Attorney.

6. On December 11, 2001, a second letter, including a copy of the above identified application and a Power of Attorney, was sent to Dr. Auton's last known home address of 42 Croftfield, Godmanchester, Cambridgeshire PE18 8ED, via Royal Mail Inland Recorded Delivery (ref. RT 3040 4379 5GB), requesting that he execute the enclosed Power of Attorney after reviewing the above-identified application, as shown in paragraph one of the letter. A copy of the December 11, 2001 letter sent to Dr. Auton is attached as Exhibit 2.

7. Dr. Auton was not at his home address and could not take delivery, the Royal Mail Inland Recorded Delivery Service left documentation at the address advising Dr. Auton that he should contact them to arrange delivery.

8. On December 13, 2001, the undersigned personally attempted contact with Dr. Auton at his work address by telephone. Dr. Auton was unavailable. The undersigned again explained to Dr. Auton's personal assistant, Hazel Jeffrey, the necessity of receiving Dr. Auton's assistance with respect to execution of the Power of Attorney.

9. On December 17, 2001, the undersigned personally attempted contact with Dr. Auton at his work address by telephone. Dr. Auton was unavailable. Hazel Jeffrey was also unavailable.

10. The undersigned has personally contacted Royal Mail Inland Recorded Delivery on December 12, 2001 and also on December 17, 2001 to ascertain that Dr. Auton has taken delivery of the December 11, 2001 letter and Power of Attorney. Dr. Auton has not contacted the Royal Mail Inland Recorded Delivery to arrange delivery and the package remains in the depot.

11. On December 18, 2001, the undersigned personally contacted Royal Mail Inland Recorded Delivery to ascertain that Dr. Auton has taken delivery of the December 11, 2001 letter and Power of Attorney. Royal Mail Inland Recorded Delivery confirmed that Dr. Auton has taken delivery on December 17.

12. On December 18, 2001, the undersigned personally contacted Dr. Auton at his work address by telephone. Dr. Auton informed the undersigned that he had received the December 11, 2001 letter and Power of Attorney. The undersigned explained the necessity of

Talit E. Lew  
Notary Public

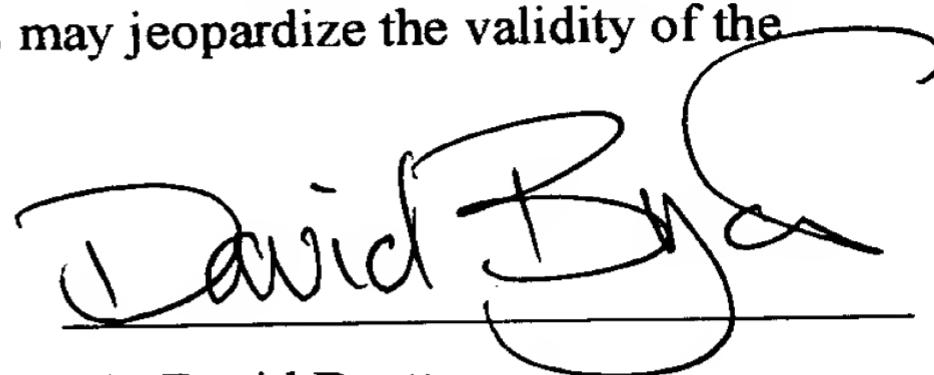
receiving Dr. Auton's assistance with respect to execution of the Power of Attorney. Dr. Auton indicated that he would not sign the Power of Attorney.

13. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

January 4, 2002

December 18, 2001

Date 4 January 2002



Mr. David Byatt

January 2002

Subscribed and sworn to me this 4th day of December, 2001.

\_\_\_\_\_  
Notary Public

Tell E. Tee  
Notary Public  
Saint Luis, Cambridge  
England -

Daniel William Begatt  
Identified by UK  
Patent No. 009972107



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION</b>		<b>Attorney Docket No.</b>	65446-0082
		<b>First Named Inventor</b>	Paul Thomas Ryan, et al..
<b>COMPLETE IF KNOWN</b>			
<input type="checkbox"/> Declaration Submitted with or initial filing		<input type="checkbox"/> Declaration Submitted after initial filing	<b>Application No.</b>
			<b>Filing Date</b>
			<b>Group Art Unit</b>
			<b>Examiner Name</b>

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (only if one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**An Automated System For Excising Proteins From  
Two-Dimensional Electrophoresis**

*(Title of the Invention)*

the specification of which

- is attached hereto  
or  
 was filed on 17/Feb./2000, as United States Application Number or PCT International Application Number: PCT/GB00/00573 and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code §119 (a)-(d) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YY)	Priority Not Claimed	Certified Copy Attached YES	Certified Copy Attached NO
				<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

Application Number (s)	Filing Date (MM/DD/YY)	<input type="checkbox"/>	Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.
60/120,471	17/Feb/1999	<input type="checkbox"/>	
		<input type="checkbox"/>	

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

**DECLARATION - Utility Or Design Patent Application**

I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s) or any PCT International application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

<b>U.S Parent Application Number</b>	<b>PCT Parent Number</b>	<b>Parent Filing Date (MM/DD/YYYY)</b>	<b>Parent Patent Number (if applicable)</b>

Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto

As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Customer Number **010291**

Or

Registered practitioner(s) name/registration number listed below

Place Customer  
Number Bar Code  
Label Here

Name	Registration Number	Name	Registration Number
<b>JAMES F. KAMP</b>	<b>41,882</b>		

Additional registered practitioner(s) named on supplemental Registered Practitioner Information sheet PTO/SB/02C attached hereto.

Direct all correspondence to  Customer Number **010291** or  Correspondence Address below or Bar Code Label

Name	James F. Kamp, RADER, FISHMAN & GRAUER, PLLC				
Address	39533 Woodward Avenue, Suite 140				
City, State, Zip	Bloomfield Hills, Michigan 48304				
Country	US	Telephone	248-594-0656	Fax	248-594-0610

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**Name of Sole or First Inventor**  A petition has been filed for this unsigned inventor

Given Name (first and middle [if any])	Family Name or Surname				
<b>KEVIN</b>	<b>AUTON</b>				

<b>Inventor's Signature</b>						<b>Dated</b>
<b>Residence: City</b>	Huntingdon	State	Cambridgeshire	Country	U.K.	Citizenship U.K.

**Post Office Address** 42 Croftfield Rd., Godmanchester, Huntingdon, Cambridgeshire, PE29 2ED, U.K.

<b>City</b>		<b>State</b>		<b>Zip</b>		<b>Country</b>	UK

Additional inventors are being named on the supplemental additional inventor(s) sheet(s) PTO/SB/02A attached hereto.

**Name of Inventor**  A petition has been filed for this unsigned inventor

Given Name (first and middle [if any])	Family Name or Surname				
<b>PAUL THOMAS</b>	<b>RYAN</b>				

<b>Inventor's Signature</b>						<b>Dated</b>
<b>Residence: City</b>	Huntingdon	State	Cambridgeshire	Country	UK	Citizenship U.K.

**Post Office Address** 74 Owl End Gt. Stukeley, Huntingdon, Cambridgeshire PE17 5AQ, U.K.

<b>City</b>		<b>State</b>		<b>Zip</b>		<b>Country</b>	U.K.

Additional inventors are being named on the supplemental additional inventor(s) sheet(s) PTO/SB/02A attached hereto.

**Name of Inventor**  A petition has been filed for this unsigned inventor

Given Name (first and middle [if any])	Family Name or Surname				
<b>DAVID</b>	<b>BYATT</b>				

<b>Inventor's Signature</b>						<b>Dated</b>
<b>Residence: City</b>		State	Cambridgeshire	Country	UK	Citizenship U.K.

**Post Office Address** 26 The Paddock, Eaton Ford, St. Neots, Cambridgeshire PE19 35A, U.K.

<b>City</b>		<b>State</b>		<b>Zip</b>		<b>Country</b>	U.K.

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